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PATENT TRADEMARK AND COPYRIGHT LAW

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DATE:

2 Sept 2004

TO:

Ex. Dan ROBINSON

ATTN.:

FACSIMILE NO.:

703-308-7764 & 703-872-9306

FROM:

Tom KOCOWSKY

RE:

Our Ref.: SN. 09/782 331

TOTAL PAGES:

(including cover sheet)

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Comments

Ex. Robinson,

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Because today is the 3-month date, this response is to be considered as THE RESPONSE and entered into the PTO records as timely filed.

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Date: June 11, 2004

To: U.S. Patent Office

Attention: Examiner D. ROBINSON

Facsimile No: (703) 872-9306

From: Thomas E. Kocovsky, Jr.

Re: 09/782,331; Filed 02/13/2001

Attorney Docket No.: PKRZ 2 00655

Total number of pages (including this cover sheet): 3

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3 pp: 1 pp Fax Cover Sheet
2 pp Request for Reconsideration

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: D. ROBINSON
W. HAWKINS, et al.)	
Serial No. 09/782,331)	Art Unit: 3742
Filed: February 13, 2001)	Confirmation: 9813
For: LIMITED-ANGLE)	
FREQUENCY-DISTANCE)	
RESOLUTION RECOVERY)	
IN NUCLEAR MEDICINE)	
IMAGING)	
Date of Last Office Action:)	
June 2, 2004)	
Attorney Docket No.:)	Cleveland, OH 44114
PKR2 2 00655)	June 11, 2004

REQUEST FOR RECONSIDERATION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicants hereby request reconsideration of the requirement to cancel dependent claims 26 and 28.

The Office Action of June 2, 2004 incorrectly states that claims 26 and 28 are drawn to a non-elected "invention". To the contrary, they are directed to a non-elected "species". Claim 26 depends from allowed generic claim 24 and claim 28 depends from allowed generic claim 12. As stated in the Examiner's Election of Species requirement of April 11, 2003:

Upon the allowance of a generic claim, the applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141.

It will be seen that allowed claim 12 is generic. That is, it is not specific to either the continuous rotate mode of Species A or the stop-and-shoot mode of Species B. Similarly,

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allowed claim 24 is generic in that it is not specific to either the continuous rotate mode of Species A or the stop-and-shoot mode of Species B.

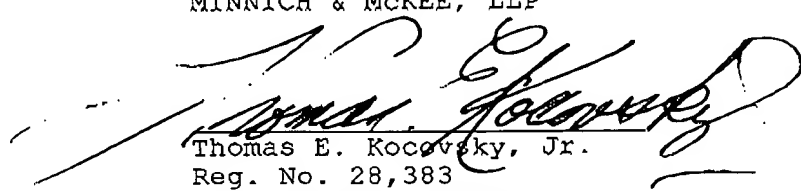
Because claims 26 and 28 depend from allowed generic claims, it is submitted that the applicants are entitled to allowance of claims 26 and 28 (37 CFR 1.144).

It should be noted that the June 2, 2004 Office Action improperly lists MPEP § 821.01 as a basis for requiring cancellation. MPEP § 821.01 is limited to Restriction Requirements requiring restriction between patentably distinct inventions. By contrast, the present application was subject to an Election of Species requirement, to which MPEP § 821.01 does not apply.

For the reasons set forth above, an early withdrawal of the requirement for the cancellation of claims 26 and 28 is requested. An early allowance of claims 1-17 and 22-28 is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP


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CERTIFICATE OF FAXING

I hereby certify that this **REQUEST FOR RECONSIDERATION** in connection with U.S. Patent Application Serial No. 09/782,331 is being transmitted by telefacsimile to Attn: Examiner D. Robinson at Telephone No. 703/872-9306 on this 11th day of June, 2004.

By: Milary McNulty